

Verdict Sheet, Morse v. Fusto, et al., 07-cv-4793

COURT EXHIBIT

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
LEONARD MORSE,

Plaintiff,

VERDICT SHEET
07-CV-4793 (CBA)

-against-

JOHN FUSTO and JOSE CASTILLO,

Defendants.
-----X

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
FEB 12 2013

A. LIABILITY – Deprivation of Liberty Due To False or Fraudulent Evidence

1. Has plaintiff, LEONARD MORSE, proven by a preponderance of the evidence that defendant JOHN FUSTO created false or fraudulently altered documents, or directed Jose Castillo to create false or fraudulently altered documents, consisting of Grand Jury Exhibits 7 and 11, knowing that such information was false or fraudulent?

Yes ☒ No ☐

2. Has plaintiff, LEONARD MORSE, proven by a preponderance of the evidence that defendant JOSE CASTILLO created false or fraudulently altered documents consisting of Grand Jury Exhibits 7 and 11, knowing that such information was false or fraudulent?

Yes ☒ No ☐

If your answer is "no" to both Questions 1 and 2, you have reached a verdict. The Court, however, requests that you also respond to Question 6. Once you have done so, the jury foreperson should sign and date the form below and advise the Court Security Officer that you have reached a verdict.

If your answer is "yes" to either or both Questions 1 and/or 2, please proceed to Question 3.

3. Has plaintiff, LEONARD MORSE, proven by a preponderance of the evidence that the false or fraudulent evidence was material, meaning that it was likely to influence the grand jury's decision to indict, and that he was deprived of liberty as a result of the false or fraudulent evidence?

Yes ☒ No ☐

If your answer is "no," you have reached a verdict. The Court, however, requests that you also respond to Question 6. Once you have done so, the jury foreperson should sign and date the form below and advise the Court Security Officer that you have reached a verdict.

If your answer is "yes," please proceed to Question 4.

B. DAMAGES

4. Compensatory Damages – Please state the total amount, if any, of compensatory damages that plaintiff has proven by a preponderance of the evidence were proximately caused by the violation of the plaintiff's constitutional rights by the defendant(s).

Past Lost Earnings \$ 1,733,941

Future Lost Earnings \$ 2,490,995

If you have made an award of future lost earnings, state the period of years for which this award is intended to cover: 2013 - 2022 (Jan)

Mental / Emotional Pain and Suffering \$ 2,500,000

Please proceed to Question 5.

5. Punitive Damages – Has plaintiff Leonard Morse proven by a preponderance of the evidence that he is entitled to punitive damages?

Yes ✓ No

If your answer is "no," please proceed to Question 6.

If your answer is "yes," please indicate in the space provided the amount of punitive damages as to those defendants for whom you answered "yes" in Questions 1 and/or 2.

JOHN FUSTO \$ 750,000

JOSE CASTILLO \$ 250,000

Please proceed to Question 6.

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C. SPECIAL INTERROGATORY

6. Have defendants, JOHN FUSTO and JOSE CASTILLO, proven by a preponderance of the evidence that the billing summaries (Grand Jury Exhibits 7 and 11) were created in connection with the preparation for the presentation of evidence to the grand jury, and not earlier as part of the investigation?

Yes _____

No ☒ _____

The Foreperson must sign and date the verdict sheet. Advise the Court Security Officer that you have reached a verdict.

Dated: 2/12/2013

Jerry Strauss
FOREPERSON